

REMARKS

The following remarks are responsive to the Official Action mailed August 9, 2006.

Claims 1-36 are rejected under 35 U.S.C. 102(e) as being unpatentable over U.S. Patent No. 6,685,678 to *Evans et al.* Applicants held a telephone conference with the Examiner on October 11, 2006 to discuss this matter. At that time, the Examiner and Applicants' representative reached an accord in that it was determined that the "tracking code" in the present application is different from the "bar code" included within *Evans*. Applicant believes that the specification sufficiently supports the difference between the two references and the claims as written should be deemed patentable over *Evans* since a "tracking code" is clearly distinguished from a "bar code." But in the essence of efficiency, Applicants have amended the independent claims of the present application so as to clearly distinguish a "tracking code" from a "bar code".

Independent claims 1, 16 and 27 now include a recitation that specifically states that the tracking code is a unique identifier that is still associated with data and that if the data should be altered the unique identifier i.e. tracking code is subsequently associated with the altered data. Support for this recitation could be found in paragraph [0027] of the present application. And these recitations clearly distinguish the claims of the present application from that which is cited in *Evans*.

Similarly, independent claim 31 includes a recitation directed to a storing and retrieving device. Data related to a specific source of a drug may be inputted into the device. And by entering the tracking code associated with the source of the drug this data may be retrieved and updated.

As included within *Evans*, a bar code includes information relating to and including a drug name, drug concentration as well as patient information. Although one might consider this information a unique identifier, if various activities of the drug source in *Evans* are carried out, the bar code does not enable one to ascertain these activities unless the bar code is altered. This is because the bar code simply includes discrete information, i.e., not changing.

As numbered above, the important feature of the medical device, methods and systems of the present invention is the cooperation or use of a tracking code for tracking data associated with the medical device that administers drugs to a patient.

The tracking code of the present invention, as described in columns 7-9 of the specification, relates to a code associated with the medical device for the purpose of tracking events pertaining to the medical device with which it is associated. For example, data relating to activities of a particular device, such as drug preparation, drug inventory, drug dispensing, drug administration, drug charge and drug credit, may be recorded and related to a unique tracking code. In addition, each time an activity occurs, a log is created relating the patient to the specific drug involved and all information contained in the respective patient and databases. Thus, through such a log, the tracking code acts as a unique identifier that enables individual unit doses to be tracked. In this manner, the present invention's use of a tracking code is similar or comparable to the use of a tracking code to track the amount of packages.

The difference between a tracking code and bar code is further highlighted as further displayed in paragraph [0028] of the present application, which states "in addition to the tracking code, other bar-coded information may be provided on

the label" Thus, Applicants are specifically stating that the tracking code is different than the bar code although a tracking code may include information that is normally included in a bar code.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that she telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: November 9, 2006

Respectfully submitted,

By 

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